

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

*

v.

* **Criminal No. AW 09-0396**

CORDERO IVAN WILSON

*

* * * * *

MOTION TO SUPPRESS TANGIBLE AND DERIVATIVE EVIDENCE

Cordero Ivan Wilson, through counsel, James Wyda, Federal Public Defender for the District of Maryland, and Paula Xinis, Assistant Federal Public Defender, hereby moves this Honorable Court, pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure, to suppress any and all tangible and derivative evidence obtained from an unlawful stop, search and seizure on or about February 18, 2009, and as grounds therefore states the following:

1. The defendant is charged with one count of possession of a firearm after having been convicted of a crime punishable by greater than one year, in violation of 18 U.S.C. § 922(g).
2. Information provided by the Government indicates that Mr. Wilson was stopped by officers without constitutional basis on February 18, 2009, and that certain tangible items may have been seized.
3. No valid consent was given to seize any such items during the afore-described warrantless stop and search.
4. Any items seized as a result of the unlawful stop or search must be suppressed.

WHEREFORE, the Defendant respectfully moves this Honorable Court to suppress any tangible and derivative evidence unlawfully seized at the time of his stop and arrest.

Respectfully submitted,

JAMES WYDA
Federal Public Defender
for the District of Maryland

/s/

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MEMORANDUM OF POINTS AND AUTHORITIES

1. Fourth Amendment to the United States Constitution
2. Weeks v. United States, 232 U.S. 383 (1914)
3. Stoner v. California, 376 U.S. 483 (1964)

/s/

PAULA XINIS
Assistant Federal Public Defender

REQUEST FOR HEARING

Pursuant to Rule 105.6 of the Local Rules of the United States District Court for the District of Maryland, a hearing is requested on the defendant's Motion.

/s/

PAULA XINIS
Assistant Federal Public Defender